

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

STATE OF LOUISIANA, et al.,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY and
MICHAEL REGAN, in his official capacity
as Administrator of the United States
Environmental Protection Agency,

Defendants.

No. 23-CV-01714

**DEFENDANTS’ UNOPPOSED MOTION FOR RELIEF FROM ECF FILING
REQUIREMENT FOR ADMINISTRATIVE RECORD**

Defendants the United States Environmental Protection Agency and its Administrator, Michael S. Regan (collectively, “EPA”), respectfully request that they be relieved of the requirement to file via ECF the administrative record in this case. Instead, EPA proposes to (1) file via ECF a certified index that lists the documents that compose the administrative record for the Clean Water Act Section 401 Water Quality Certification Improvement Rule, 88 Fed. Reg. 66,558 (Sept. 23, 2023) (the “2023 Rule” or the “Rule”) that Plaintiffs challenge; and (2) provide the Court, Plaintiffs, and Intervenor with electronic media containing the indices and contents of the administrative record. In accordance with Local Rule 7.9, EPA consulted with Plaintiffs’ and Intervenor’s counsel and was informed that this motion is unopposed.

There is good cause for EPA to be relieved of the ECF filing requirement for the administrative record in this case. The administrative record for the 2023 Rule consists of over

1,500 documents. Collectively, the size of the folders and files in the administrative record is approximately 3.21 GB. Given the volume of the record, filing via ECF would be unduly burdensome and time consuming. Accordingly, EPA requests relief from the ECF filing requirement for the administrative record in this case. EPA will provide a copy of the administrative record to chambers, Plaintiffs, and Intervenors on readily-accessible electronic media.

Dated: January 31, 2024

Respectfully Submitted,

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

/s/ Elisabeth H. Carter
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 31, 2024, a copy of the foregoing Motion for Relief from ECF Filing Requirement was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Elisabeth H. Carter

ELISABETH H. CARTER